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LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: 1/AD/2R	.	Floor: C
04/28/2017 02:09 PM	.	05/03/2017 11:33 AM
	.	

Senator Flores moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. (1) The Palm Beach County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated and, no later than 20 days after the effective date of this act, draw a warrant in the sum of \$790,000, payable to Altavious Carter as compensation for



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12 injuries and damages sustained.

13 (2) The amount paid by the Palm Beach County School Board
14 under s. 768.28, Florida Statutes, and the amount awarded under
15 section 2 of this act are intended to provide the sole
16 compensation for all present and future claims arising out of
17 the factual situation described in this act which resulted in
18 injuries to Altavious Carter. The total amount paid for attorney
19 fees relating to this claim may not exceed 25 percent of the
20 total amount awarded under section 2 of this act.

21 Section 3. (1) The Palm Beach County School Board is
22 authorized and directed to:

23 (a) Appropriate from funds of the school board not
24 otherwise encumbered and, no later than 30 days after the
25 effective date of this act, draw a warrant in the sum of \$1.7
26 million payable to Dustin Reinhardt, to be placed in the Special
27 Needs Trust created for the exclusive use and benefit of Dustin
28 Reinhardt, as compensation for injuries and damages sustained.

29 (b) Purchase, for Dustin Reinhardt's benefit, three
30 separate \$1 million annuities, over a successive 3-year period
31 of time. The first annuity shall be purchased in the year this
32 claim bill is enacted with the other two annuities purchased in
33 successive years thereafter. The first annuity shall make annual
34 disbursements to Dustin Reinhardt, to be placed in the Special
35 Needs Trust created for the exclusive use and benefit of Dustin
36 Reinhardt, beginning on or about September 2023. The second and
37 third annuities shall make annual disbursements to Dustin
38 Reinhardt, to be placed in the Special Needs Trust created for
39 the exclusive use and benefit of Dustin Reinhardt, pursuant to
40 their terms.



41 (2) The amount paid by the Palm Beach County School Board
42 pursuant to s. 768.28, Florida Statutes, and the amount awarded
43 under section 3 of this act are intended to provide the sole
44 compensation for all present and future claims arising out of
45 the factual situation described in this act which resulted in
46 injuries and damages to Dustin Reinhardt. Of the amount awarded
47 under section 3 of this act, the total amount paid for attorney
48 fees may not exceed \$940,000, the total amount paid for lobbying
49 fees may not exceed \$235,000, and no amount may be paid for
50 costs and other similar expenses relating to this claim.
51 Attorney or lobbying fees may not be assessed against the value
52 of the annuity.

53 Section 4. This act shall take effect upon becoming a law.

54
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete everything before the enacting clause
58 and insert:

59 A bill to be entitled
60 An act relating to the payment of claims by the Palm
61 Beach County School Board; providing for an
62 appropriation to compensate Altavious Carter for
63 injuries sustained as a result of the negligence of a
64 bus driver of the Palm Beach County School District;
65 providing that the amount awarded under the act to
66 Altavious Carter satisfies all present and future
67 claims related to the negligent act; providing a
68 limitation on the payment of fees; providing for an
69 appropriation and annuity to compensate Dustin



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70 Reinhardt for injuries sustained as a result of the
71 negligence of employees of the Palm Beach County
72 School District; providing that certain payments and
73 the amount awarded under the act to Dustin Reinhardt
74 satisfy all present and future claims related to the
75 negligent act; providing a limitation on the payment
76 of compensation, fees, and costs; providing an
77 effective date.

78
79 WHEREAS, in regards to Altavious Carter, he was a 14-year-
80 old freshman at Summit Christian School in Palm Beach County on
81 December 15, 2005, while riding as a passenger in a vehicle
82 driven by Vincent H. Merriweather, and

83 WHEREAS, while Vincent H. Merriweather was stopped at a red
84 light at the intersection of Forest Hill Boulevard and Olympia
85 Boulevard in Palm Beach County, his vehicle, a van, was struck
86 by a school bus driven by an employee of the Palm Beach County
87 School District, and

88 WHEREAS, the bus driver, Dennis Gratham, was cited for
89 careless driving and the speed of the bus at the time of impact
90 was 48.5 miles per hour, and

91 WHEREAS, the seat in which Altavious Carter was sitting was
92 broken as a result of the crash, and Altavious Carter, who was
93 wearing a seatbelt, was thrown into the back of the van, his
94 neck was broken at the C6 level, and he suffered a C6-7 interior
95 subluxation and reversal of normal cervical lordosis, with
96 spinal cord flattening, and

97 WHEREAS, Altavious Carter was taken by ambulance to
98 Wellington Regional Medical Center and subsequently to St.



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99 Mary's Medical Center, where he was diagnosed and treated for
100 the injuries he sustained, and

101 WHEREAS, Altavious Carter received a discectomy and fusion
102 at C6-7, along with placement of a bone graft and cage, plates,
103 and screws to fuse the spine at C6-7, and

104 WHEREAS, following rehabilitation, an MRI taken in June
105 2009 indicated a small herniation at the C7-T1 level,
106 representing the start of degenerative disc disease, and

107 WHEREAS, on February 25, 2010, Altavious Carter received a
108 jury verdict against the Palm Beach County School Board, and the
109 court entered a judgment in the amount of \$1,094,034.30, and

110 WHEREAS, on August 4, 2010, an additional final cost
111 judgment in the amount of \$46,830.11 was entered in favor of
112 Altavious Carter against the Palm Beach County School Board in
113 the same matter, and

114 WHEREAS, Altavious Carter and the Palm Beach County School
115 Board have agreed to a settlement of the claim in the amount of
116 \$790,000, and

117 WHEREAS, in regards to Dustin Reinhardt, he was a student
118 at Seminole Ridge Community High School in Loxahatchee in Palm
119 Beach County in September 2013, and was involved in the Army
120 Junior Reserve Officer Training Corps for which he received
121 honors for his participation, and

122 WHEREAS, on September 4, 2013, while in auto shop class at
123 Seminole Ridge Community High School, Dustin Reinhardt was
124 inflating a large truck tire, which proceeded to explode,
125 striking him in his head, and

126 WHEREAS, immediately following the explosion, Dustin
127 Reinhardt was airlifted to St. Mary's Medical Center in West



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128 Palm Beach where he underwent multiple surgeries, including
129 skull and facial reconstruction procedures, was placed in a
130 chemically induced coma, and spent more than 4 weeks in the
131 intensive care unit, and

132 WHEREAS, Dustin Reinhardt has continued to be impacted by
133 the injuries he incurred from the explosion, including the loss
134 of vision in his right eye, short-term memory loss, and a recent
135 diagnosis of severe traumatic brain injury, and

136 WHEREAS, the traumatic brain injury will impair Dustin
137 Reinhardt's executive function and has resulted in symptoms such
138 as the exhibition of socially inappropriate behavior, difficulty
139 in planning and taking initiative, difficulty with verbal
140 fluency, an inability to multitask, and difficulty in
141 processing, storing, and retrieving information, and

142 WHEREAS, because of the explosion, Dustin Reinhardt
143 continues to live in supervised care at the Neuro International
144 and is unlikely to ever live an independent life, and

145 WHEREAS, the injuries that Dustin Reinhardt sustained were
146 foreseeable and preventable and the school had a duty to prevent
147 his injuries, and

148 WHEREAS, Dustin Reinhardt and the Palm Beach County School
149 Board have agreed to a settlement in the sum of \$5 million, and
150 the Palm Beach County School Board has paid \$300,000 of the
151 settlement pursuant to the statutory limits of liability set
152 forth in s. 768.28, Florida Statutes, leaving a remaining
153 balance of \$4.7 million, NOW, THEREFORE,